

**IOWA BOARD OF MEDICINE  
REGULARLY SCHEDULED MEETING  
June 1-2, 2017**

**A G E N D A**<sup>1, 2, 3, 4, 5</sup>

**BOARD MEMBERS:** Kyle Ulveling, M.D., Chair; KellyAnn Light-McGroary, M.D., Vice Chair; Diane Cortese, Secretary; Warren Gall, M.D.; Teresa Garman; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; Mary Jo Romanco; Charles Wadle, D.O.; Brian Wilson, D.O.

**THURSDAY, JUNE 1, 2017**

7:30 a.m.                    **EXECUTIVE COMMITTEE** – Medical Conference Room B  
Chair Ulveling, Cortese, Light-McGroary, Romanco, Wadle

8:00 a.m.                    **SCREENING COMMITTEE** – Board Room  
Chair Gilg Gachiani, Gall, Garman, Kolegraff, Wilson

9:00 a.m.                    **MONITORING COMMITTEE** – Board Room  
Chair Wadle, Cortese, Gall, Gilg Gachiani, Kolegraff

9:00 a.m.                    **LICENSURE COMMITTEE** - Medical Conference Room B  
Chair Light-McGroary, Garman, Romanco, Ulveling, Wilson

**BOARD – OPEN SESSION** – Board Room  
Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

- A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum . The chair will acknowledge the absence of any member.**
- B. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” to review investigative reports and other investigative material, and to discuss whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.**

**BOARD – CLOSED SESSION – Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. Iowa Physician Health Committee**

1. Notice of non-compliance, Case No. 2015-0527

**B. Committee Reports**

1. Screening
2. Monitoring
3. Licensure

**C. Review of Closed Minutes**

1. April 13-14, 2017
2. May 18, 2017 (teleconference)

**LUNCH BREAK**

**BOARD – CLOSED SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**Chair will call for a motion & second to meet in open session. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.**

**BREAK**

3:00 p.m.

**BOARD – CLOSED SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “c” to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.**

**BOARD – OPEN SESSION – Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. Unlicensed Practice of Medicine Cases**

**B. Vote on Closed Session Cases**

**BOARD - ADJOURN**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. BOARD MUST BE IN OPEN SESSION** for the Chair to call for a motion & second to adjourn the meeting and to meet at 8 a.m. Friday, April 14, 2017. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

**FRIDAY, JUNE 2, 2017**

**BOARD – OPEN SESSION – Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum . The chair will acknowledge the absence of any member.**

8:00 a.m.

**CONTESTED CASE PROCEEDING (HEARING) – In the matter of the statement of charges against Joseph P. Shader, M.D., respondent, File No. 02-2016-498.**

**Pursuant to 653 IAC 25.18(12), the hearing shall be open to the public unless the licensee requests that the hearing be closed. At the request of either party, or on the Board’s own motion, the presiding officer may issue a protective order to protect documents which are privileged or confidential by law.**

**BOARD – OPEN SESSION – Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.**

**BOARD – OPEN SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. Vote on closed session cases**

10:30 a.m. -

**BOARD – OPEN SESSION/PUBLIC ENGAGEMENT – Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum. The chair will acknowledge the absence of any member.**

**B. Introductions of New Board Members**

- Warren Gall, M.D., Dubuque
- Teresa Garman, Ames
- Brian Wilson, D.O., Spencer

**C. Introduction of Public Present**

**D. Opportunity for Public Comments<sup>5</sup>**

*(Public can make comments now or when specific agenda items are addressed.)*

**E. Board Minutes for Consideration of Approval**

1. April 13-14, 2016, meeting - Open and Closed
2. April 28, 2017, teleconference - Open
3. May 18, 2017, teleconference - Open and Closed

**F. Chair's Report**

**G. Executive Director's Report**

**H. Report on May 19, 2017 meeting of subcommittees working with a similar subcommittee of the Board of Psychology to write joint rules to implement legislation authorizing certain psychologists to prescribe psychotropic medicines - Charles Wadle, D.O., chair**

**I. Administrative Rules**

1. **Update:** ARC3069C, eligibility requirement for physicians who supervise physician assistants. Public hearing is 9 a.m. June 13, 2017, and review by the Administrative Rules Review Committee is later on the same day.
2. **Consider initiating rulemaking:** Legislation passed in 2017 and signed into law:
  - a. HF524
  - b. HF577
  - c. SF1
  - d. SF471
3. **Ongoing rule review**

**J. Interstate Medical Licensure Compact**

**K. Judicial Review update - Julie Bussanmas, Assistant Attorney General**

1. **Rabi v. BOM (Iowa Supreme Court)** – Rabi filed a notice of appeal challenging the District Court decision affirming the Board's disciplinary order. Rabi's filed his brief on January 12, 2017. The Board filed its brief in March. Dr. Rabi has now filed his reply brief. Awaiting a decision on whether the supreme court will retain the case and whether oral argument will be granted.

2. **Cronin v. BOM** – monitoring suit filed against various current and former employees of the board. The suit has not yet been served.
3. **Fleming v. State of Iowa** – monitoring suit filed with US Supreme Court alleging the Governor and US Ambassador violated his constitutional rights when the Board disciplined him.

**L. Federation of State Medical Boards**

1. Recap of 105th annual meeting is April 20-22, Fort Worth
2. Actions taken by House of Delegates
3. New officers and new members of the Board of Directors

**M. Board member education:** Medical malpractice claims against state-employed physicians.

**N. Iowa Physician Health Committee/Program Update - Amy Van Maanen, Program Coordinator**

1. 2018 meeting dates
2. Year to date statistics
3. Program presentation to Board of Medicine on July 21, 2017

**O. Correspondence, reports & articles**

1. ABMS Certification Legislation Briefing, April 2017 & Anti-maintenance of certification efforts - May 2017
2. *National Board of Osteopathic Examiners*, May 2017 Newsletter
3. *A doctor called his broker during a delivery*, Miami Herald, April 26, 2017
4. *Mortality Higher Among Inpatients Treated by Older Physicians*, Medscape, May 16, 2017

**P. Committee Reports**

1. Licensure
2. Monitoring
3. Screening

**After all committee reports are presented, Chair will call for a motion and a second to approve the reports as presented. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.**

**Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.**

**LUNCH BREAK**

## **BOARD – CLOSED SESSION – Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Wadle, Wilson

**A. Chair will call for a motion & second to meet in open session. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.**

## **BOARD – OPEN SESSION - Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

### **A. Vote on Closed Session Cases**

## **BOARD ADJOURN**

**BOARD MUST BE IN OPEN SESSION** for the Chair to call for a motion & second to adjourn the meeting of the Board of Medicine. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

*(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.*

*(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.*

*(3) Public agenda materials are available via e-mail. Contact: [ibm@iowa.gov](mailto:ibm@iowa.gov)*

*(4) The Board may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.*

*(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.*

### **The next scheduled Board meeting is:**

- **July 20-21**

### **The Board's office closing for the remainder of 2017:**

- |                                    |                                |
|------------------------------------|--------------------------------|
| • <b>Independence Day</b>          | <b>Tuesday, July 4</b>         |
| • <b>Labor Day</b>                 | <b>Monday, September 4</b>     |
| • <b>Veterans Day</b>              | <b>Friday, November 10</b>     |
| • <b>Thanksgiving Day</b>          | <b>Thursday, November 23</b>   |
| • <b>Friday after Thanksgiving</b> | <b>Friday, November 24</b>     |
| • <b>Christmas Day</b>             | <b>Monday, December 25</b>     |
| • <b>New Year's Day 2018</b>       | <b>Monday, January 1, 2018</b> |

*If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.*